



Paper No. 4

MICK A. NYLANDER
12416 N. HOLLY ROAD
HOLLY, MI 48442

COPY MAILED

MAR 1 8 2002

OFFICE OF PETITIONS

In re Application of :
Georg A. Vihos :
Application No. 09/924,967 : DECISION GRANTING PETITION
Filed: 8 August, 2001 :
Atty's Docket No. VIHOS 0102 :
PUS :

This is a decision on the petition titled "Petition to Accept Drawings Page" filed by facsimile on 7 December, 2001 (certificate of mailing date 24 October, 2001), requesting that the above-identified application, including one (1) sheet of drawings containing Figures 4 & 5, be accorded a filing date of 8 August, 2001.

On 8 August, 2001, the application was filed.

On 14 September, 2001, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application stating that the application had been accorded a filing date of 8 August, 2001, but that Figures 4 & 5 described in the specification appeared to have been omitted.

In response, on 7 December, 2001, one (1) sheet of drawings containing Figures 4 & 5, the present petition, and a petition fee were filed. Petitioner argues that one (1) sheet of drawings containing Figures 4 & 5 was filed with the other application papers on 8 August, 2001, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 8 August, 2001, and the above-identified application number, and acknowledges receipt, *inter alia*, of Drawings(3 pages). Petitioners request that the application, including the one (1) sheet of drawings containing Figures 4 & 5, be accorded a filing date of 8 August, 2001.

A review of the record reveals that two (2) sheets of drawings, containing Figures 1-3 are located among the application papers deposited on 8 August, 2001. However, the evidence is convincing that the application papers deposited on 8 August, 2001, included one (1) sheet of drawing containing Figures 4 & 5 as described in the specification, which was subsequently misplaced in the Office. Therefore, the application, including the one (1) sheet of drawing containing Figures 4 & 5 as described in the specification, is entitled to a filing date of 8 August, 2001.

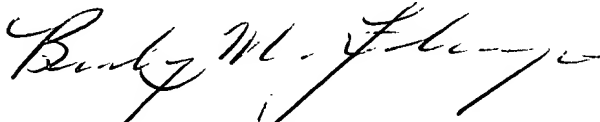
The "Notice" mailed on 14 September, 2001, is vacated.

In view of the above, the petition is granted. The petition fee will be refunded to counsel's deposit account, No. 50-1444.

The application will be processed and examined using the one (1) sheet of drawing containing Figures 4 & 5 supplied on 7 December, 2001.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 8 August, 2001, using the application papers filed on 8 August, 2001, and the one (1) sheet of drawing containing Figures 4 & 5 supplied on 7 December, 2001.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy